

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2892

BY DELEGATES CANESTRARO, MILLER, D. KELLY, N.

BROWN, STEELE AND FAST

[Introduced February 7, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §62-1A-2 of the Code of West Virginia, 1931, as amended, relating
 2 to including digital and virtual information in the definition of property that can be searched
 3 and seized by a warrant.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1A. SEARCH AND SEIZURE.

§62-1A-2. Same -- Grounds for issuance; property defined.

1 A warrant may be issued under this article to search for and seize any property
 2 (a) Stolen, embezzled or obtained by false pretenses; or
 3 (b) Designed or intended for use or which is or has been used as a means of committing
 4 a criminal offense; or
 5 (c) Manufactured, sold, kept, concealed, possessed, controlled, or designed or intended
 6 for use or which is or has been used, in violation of the criminal laws of this state heretofore or
 7 hereinafter enacted.

8 The term “property” shall include documents, books and papers, digital and virtual
 9 information, including, but not limited to, social media accounts, and any other tangible objects.

NOTE: The purpose of this bill is to include digital and virtual information in the definition of property that can be searched and seized by a warrant.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.